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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,616	12/24/2003	Thayer A. Coburn	716042.13	1615
27128	7590	02/09/2006	EXAMINER	
BLACKWELL SANDERS PEPER MARTIN LLP			PIZIALI, ANDREW T	
720 OLIVE STREET				
SUITE 2400			ART UNIT	
ST. LOUIS, MO 63101			PAPER NUMBER	
			1771	

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/707,616

Applicant(s)

COBURN, THAYER A.

Examiner

Andrew T. Piziali

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 and 27-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 11-26 and 30-39 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Previous Election/Restriction***

1. Applicant timely traversed the restriction requirement in the reply filed on 10/21/2005. Applicant's election with traverse of Group II, claims 11-26 and 30-39 in the reply filed on 10/21/2005 is acknowledged. Claims 1-10 and 27-29 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to nonelected inventions. The traversal is on the grounds that a search for both Groups II and III would not be an undue burden on the examiner. This is not found persuasive because these distinct inventions have acquired a separate status in the art as shown by their different classification. A search for both inventions would require a search in at least two distinct classes because Group II is drawn to a process for creating a label while Group III is drawn to computer-readable medium. Therefore, a search for both inventions would clearly be an undue burden on the examiner. Restriction for examination purposes as indicated is proper.

The requirement is still deemed proper and is therefore made FINAL.

### ***Current Election/Restriction***

2. Group II contains claims directed to the following patentably distinct species of the claimed invention:

#### **Species Group I (see claim 19)**

Species 1, drawn to a process for creating a label for a product utilizing a computer system wherein each user to the system can provide an input for login.

Species 2, drawn to a process for creating a label for a product utilizing a computer system wherein each user to the system can provide an input for an e-mail address.

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Species 3, drawn to a process for creating a label for a product utilizing a computer system wherein each user to the system can provide an input for a password.

Species 4, drawn to a process for creating a label for a product utilizing a computer system wherein each user to the system can provide an input for a password verification.

Species 5, drawn to a process for creating a label for a product utilizing a computer system wherein each user to the system can provide an input for a contact name.

Species 6, drawn to a process for creating a label for a product utilizing a computer system wherein each user to the system can provide an input for an organization.

Species 7, drawn to a process for creating a label for a product utilizing a computer system wherein each user to the system can provide an input for a telephone number.

Species 8, drawn to a process for creating a label for a product utilizing a computer system wherein each user to the system can provide an input for a facsimile number.

Species 9, drawn to a process for creating a label for a product utilizing a computer system wherein each user to the system can provide an input for a first address line.

Species 10, drawn to a process for creating a label for a product utilizing a computer system wherein each user to the system can provide an input for a second address line.

Species 11, drawn to a process for creating a label for a product utilizing a computer system wherein each user to the system can provide an input for a city.

Species 12, drawn to a process for creating a label for a product utilizing a computer system wherein each user to the system can provide an input for a state.

Species 13, drawn to a process for creating a label for a product utilizing a computer system wherein each user to the system can provide an input for a zip code.

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Species Group II (see claim 21)

Species 1, drawn to a process for creating a label for a product utilizing a computer system wherein information for each authorized user can be established in an input for login.

Species 2, drawn to a process for creating a label for a product utilizing a computer system wherein information for each authorized user can be established in an input for an e-mail address.

Species 3, drawn to a process for creating a label for a product utilizing a computer system wherein information for each authorized user can be established in an input for a password.

Species 4, drawn to a process for creating a label for a product utilizing a computer system wherein information for each authorized user can be established in an input for a password verification.

Species 5, drawn to a process for creating a label for a product utilizing a computer system wherein information for each authorized user can be established in an input for a contact name.

Species 6, drawn to a process for creating a label for a product utilizing a computer system wherein information for each authorized user can be established in an input for the name of an organization.

Species 7, drawn to a process for creating a label for a product utilizing a computer system wherein information for each authorized user can be established in an input for a telephone number.

Species 8, drawn to a process for creating a label for a product utilizing a computer system wherein information for each authorized user can be established in an input for a facsimile number.

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Species 9, drawn to a process for creating a label for a product utilizing a computer system wherein information for each authorized user can be established in an input for a first address line.

Species 10, drawn to a process for creating a label for a product utilizing a computer system wherein information for each authorized user can be established in an input for a second address line.

Species 11, drawn to a process for creating a label for a product utilizing a computer system wherein information for each authorized user can be established in an input for a city.

Species 12, drawn to a process for creating a label for a product utilizing a computer system wherein information for each authorized user can be established in an input for a state.

Species 13, drawn to a process for creating a label for a product utilizing a computer system wherein information for each authorized user can be established in an input for a zip code.

3. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, from each of Species Groups I and II, for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 11-26 and 30-39 appear to be generic.

4. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

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5. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

6. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

7. A telephone call was made to Samuel Digirolamo on 2/2/2006 to request an oral election to the above restriction requirement, but did not result in an election being made.

8. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement may be traversed (37 CFR 1.143).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew T. Piziali whose telephone number is (571) 272-1541. The examiner can normally be reached on Monday-Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

atp

g7B 2/2/06  
**ANDREW T. PIZALI**  
**PATENT EXAMINER**